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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Kenton T. Davis *et al.*

APPLICATION NO.: 09/863,791

FILED: May 24, 2001

FOR: **ELEMENT MANAGEMENT SYSTEM FOR
HETEROGENEOUS TELE-
COMMUNICATIONS NETWORK**

EXAMINER: Kenneth R. Coulter

ART UNIT: 2154

CONF. NO: 9440

Terminal Disclaimer

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Vertel Corporation, Assignee of

- ☐ an undivided share of the entire right, title, and interest
- ☒ the entire right, title and interest

in the above-identified patent application by virtue of an Assignment recorded in the U.S. Patent and Trademark Office at Reel 012395, Frame 0863 on December 26, 2001, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154 to §156 and §173, as presently shortened by any terminal disclaimer, of

*U.S. Patent No. 6,260,062 issued July 10, 2001.

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patents and/or patent applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC §154 to §156 and §173 of the above-listed patents and/or applications, as presently shortened by any terminal disclaimer, in the event that said patent(s)/application(s) later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is

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statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

1. Certification under 37 CFR §3.73(b)


I, the undersigned, am empowered to act on behalf of the assignee. The evidentiary documents referred to above have been reviewed by the undersigned and it is certified that to the best of the Assignee's knowledge and belief, title is in the Assignee seeking to take action.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. Fee Payment

- ☒ A check including the Terminal Disclaimer fee under 37 CFR 1.20 is enclosed:
- ☐ Large entity (\$110.00)
- ☒ Small entity (\$55.00)
- ☐ Please charge the above fee, and any other fee necessary for entry of this Terminal Disclaimer, to Deposit Account No. 50-0665.

Respectfully submitted,
Perkins Coie LLP


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Date: April 4, 2003

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